

M E M O R A N D U M

VIA UPS

TO: CITY COUNCIL MEMBERS
FROM: JOSEPH R. TARBY, III, ESQ.
CC: WILLIAM C. CAMPBELL, CITY CLERK
DATE: JULY 1, 2020
RE: SPECIAL PERMIT WITH SITE PLAN REVIEW APPLICATION OF PULTE HOMES LLC, 2 HILL STREET, WOBURN, MASSACHUSETTS

The purpose of this memorandum is to provide you with a summary of the above referenced Special Permit with Site Plan Review Application prior to the City Council Public Hearing scheduled for July 7, 2020 at 7:00 p.m.

A. SPECIAL PERMIT WITH SITE PLAN REVIEW APPLICATION

Requested Zoning Relief:

- Special Permit/Site Plan Review pursuant to Section 28.6.2.2 to allow for 197 residential units of which 75 will be townhouses.
- The applicant has requested relief from Woburn Zoning Ordinance Section 5.2.1.4: "Access to the buildable portion of a lot shall be gained from a lot's legal street frontage only. Access to lots by so called "common driveways" or access easements shall be prohibited." Access to the site will be provided from Hill Street consistent with the master plan. Woburn Zoning Ordinance Section 28.11.6.1 provides the City Council the authority to grant this relief.

- The applicant has requested relief from Woburn Zoning Ordinance Section 5.3.2: "no fence shall be built or maintained within the street setback requirements or the setback of the existing building over 3 feet high from the sidewalk or street level." Relief will be needed within the Sunset Road setback to construct a 7 tall solid cedar board fence along Sunset Road for screening purposes, retaining walls >6' for grading purposes, and 48" fall protection fencing on top of walls for safety purposes. Woburn Zoning Ordinance Section 28.3 provides the City Council the authority to grant this relief.
- The applicant has requested relief from Woburn Zoning Ordinance Section 5.3.4: "the maximum height of any fence is 6 feet from the ground." Relief will be needed to construct retaining walls >6' tall for grading purposes, 48" fall protection fencing on top of walls for safety purposes, a 7 tall solid cedar board fence along Sunset Road for screening purposes, and a 7 tall solid cedar board fence around the recycling area for screening purposes. Woburn Zoning Ordinance Section 28.3 provides the City Council the authority to grant this relief.
- The applicant has requested relief from Woburn Zoning Ordinance Section 28.8.3: "the minimum pavement width for any road, driveway or access aisle shall be 20 feet for one-way traffic and 24 feet for two-way traffic." Relief will be needed for the townhome common driveways which are proposed to be two-way with a 20' paved width to minimize impervious

surfaces. Woburn Zoning Ordinance Section 28.3 provides the City Council the authority to grant this relief.

B. ZONING DISTRICT

The Property is located in the Technology and Business Mixed Use Overlay District which was adopted by the City Council on September 8, 2016 as Section 28 of the 1985 City of Woburn Zoning Ordinance

C. TBOD

On June 21, 2018 the parcels of land described in Section 28.2 of the Zoning Ordinance containing approximately 60 acres of land were rezoned into the TBOD as reflected conceptually on the Master Concept Plan submitted at the time of the rezoning and subsequently approved by the City Council in accordance with Section 28.4 on October 2, 2019 in connection with the Development Agreement dated November 21, 2019. The Development Agreement sets forth generally the required mitigation including traffic demand management initiatives; restrictions on development areas and the phasing of the development.

D. PROJECTED BENEFITS/PROPOSAL

The proposed development will be called Highland At Vale and will provide a number of benefits to the City of Woburn including but not limited to thirty (30) affordable owner occupied housing units; redevelopment of a vacant, underutilized and decommissioned industrial site to a high quality and well-designed residential use; the addition of housing to support the commercial uses to be developed on the site and additional tax revenues to the City of Woburn. *Highland at Vale* includes 197 one, two, and three-bedroom condominium home-ownership units. Of the 197 total units, 75 will

be townhome dwellings contained in two and three-unit buildings and 122 will be multi-family "garden style" units contained in two buildings each of 36 units and one 50-unit building. Thirty (30) of the 197 dwelling units (15%) or 30 units will be affordable

E. PRESENTATION

The presentation at the Public Hearing will consist of the following:

1. Matt Leidner of Civil Design Group, Inc. will review the Site Plan and Elevation Plans;
2. Rob Nagi of VHB will review the Traffic Memorandum filed with the Application.

F. PLANNING BOARD RECOMMENDATION

We have enclosed with this Memorandum our responses to the Planning Board recommendation.

G. SUMMARY

If you need any further information prior to the upcoming public hearing please contact me at 781-897-4980 or at jtarby@murthalaw.com. Thank you.



City of Woburn, Massachusetts Planning Board

City Hall, 10 Common Street
Woburn, MA 01801

Phone: 781-897-5817

Tina Cassidy,
Planning Director

Dan Orr,
Grant Writer/Planner

Karen Smith, Planner

June 26, 2020

The Woburn City Council
City Hall, 10 Common Street
Woburn, MA 01801

RE: TECHNOLOGY AND MIXED-USE BUSINESS OVERLAY DISTRICT (TBOD) SPECIAL PERMIT
APPLICATION FOR "HIGHLAND AT VALE" / PULTE HOMES OF NEW ENGLAND, LLC

Dear Council:

The Planning Board and its staff reviewed and considered the above-referenced application which seeks a special permit pursuant to Section 28.6.2.2. of the Woburn Zoning Ordinance (WZO) to permit the construction of 197 one, two, and three-bedroom residential condominiums. Of the 197 units, 75 will be townhome dwellings contained in two- and three-unit buildings and 122 units will be multi-family "garden style" units. The "garden style" units would be contained in three low-midrise buildings, two having 36 units and one having 50 units. Thirty (30) of the 197 dwelling units will be affordable to persons and households of low and moderate income as defined by MGL Ch. 40B, Sec 20.

The Petitioner is also seeking additional special permits to:

- Provide relief from the requirement that "access to the buildable portion of a lot shall be gained from a lot's legal street only. Access to lots by so-called 'common driveways' or access easements shall be prohibited.";
- Allow certain fences and retaining walls to exceed 3' and 6' in height respectively (Sections 5.3.2. and 5.3.4. of the WZO respectively); and
- Reduce the minimum roadway pavement width for two-way traffic from 24' to 20' (Section 28.8.3).

The Board respectfully defers comment on VHB's traffic impact memorandum/trip generation comparison in favor of the Engineering Department which will be submitting its own communication to you on this application. The Board also defers review of the proposed signage for zoning conformance to the Inspectional Services Department. Finally, members noted that the application package did not provide any information relative to drainage or stormwater management.

The Application for Special Permit with Site Plan Review included thirteen (13) copies of the proponent's stormwater report entitled *Stormwater Management Memorandum for Highland at Vale*, dated 4/30/2020.

CONFORMANCE WITH MAXIMUM RESIDENTIAL DENSITY LIMITATION

This application seeks a special permit pursuant to Section 28.6.2.2. of the Woburn Zoning Ordinance (WZO) to allow development of 197 condominium units.

This is one of two pending special permits seeking approval for construction of residential units in the District, and taken together they appear to exceed the maximum number of residential units allowed by Section 28.6.2.2 (300 units). A pending Special Permit application from LCS Woburn, LLC calls for construction of 103 congregate elderly housing units and 84 assisted living units. When added to the units planned for the LCS development, the total number of proposed residential units appears to equal 384 units. The issue centers on how one “classifies” the 84 assisted living units planned for this project.

The definition of Hospital, Extended Care Facility expressly includes Assisted Living residences, but Assisted Living is defined in Section 2 of the WZO as *“Residents require significant personal care/assistance with Activities of Daily Living (ADLs) such as bathing, dressing/undressing, using the restroom, eating, walking/wheeling, medication management, etc.”* There is nothing in the application to indicate that the units being called “assisted living units” will meet this definition. One might infer otherwise from the plans, which show these units to have their own kitchens, bathrooms, and bedrooms. The definition of Assisted Living contrasts sharply with the definition of Assisted Living/Continuing Care, which is not permitted in the TBOD and which is defined as housing *“...for able bodied senior citizens and/or housing with various degrees of medical and life support services to people over the age of 62 years of age (sic).”*

Finally, the definition of Dwelling Unit is *“One (1) or more rooms arranged, intended, or designed to be occupied by one (1) family and to provide complete facilities for living, sleeping and eating.”* The units proposed as “assisted living units” would seem to meet the definition of Dwelling Unit by virtue of their design (full kitchen, bathroom, bedroom, living room) and if so, should count toward the total number of residential units on the TBOD site.

The Council must determine whether the aggregate number of residential dwelling units on the two sites meets or exceeds the maximum number of units that can be permitted.

This issue is addressed in the LCS response to its Planning Board recommendation and is not applicable to this Application.

TBOD PROVISIONS ARE STAND-ALONE

Planning staff informed the Board that Section 28.5 was included to ensure that, with few exceptions, the provisions of the TBOD chapter alone would control development within the District. Section 28.5 reads as follows:

“Except as specifically provided herein, uses and provisions of the Zoning Ordinance relating to the underlying zoning district not otherwise impacted by this Section 28 shall continue to remain in full force and effect with the exception of 5.2.1.4 and, provided further that the City Council shall in all cases be the Special Permit Granting and Site Plan Approval Authority, as applicable. Notwithstanding the foregoing, this Section (§28) of the Zoning Ordinance exclusively controls the establishment, development, and design of any development

undertaken at any TBOD and supersedes any other provision of the Zoning Ordinance except Section 9 (Floodway and Flood Plain Districts). If any activity requires one or more Special Permits under said Section 9, a special permit application may be submitted to and considered by the City Council as the sole Special Permit Granting Authority concurrently with any Special Permit or Site Plan Review application submitted pursuant to Section 28. In the event of any conflict between the provisions of this Section and any other provision of the Zoning Ordinance, the provisions of this Section shall govern and control."

As noted on the previous page, Pulte's application includes requests for several other special permits, in addition to the one needed for the proposed residential use:

- Provide relief from the requirement that "access to the buildable portion of a lot shall be gained from a lot's legal street only. Access to lots by so-called 'common driveways' or access easements shall be prohibited.";
- Allow certain fences and retaining walls to exceed 3' and 6' in height respectively (Sections 5.3.2. and 5.34. of the WZO respectively); and
- Reduce the minimum roadway pavement width for two-way traffic from 24' to 20' (Section 28.8.3).

The request for relief from the requirement for access to the buildable portion of a lot over its frontage should not be a Special Permit request, but rather an acknowledged waiver/authorization by the City Council, in accordance with Section 28.11.6.1. **We agree but note that the request is part of the overall Special Permit Application request.**

Special permits for fence and retaining wall heights are unnecessary, since the TBOD does not limit the height of fences and retaining walls, and given the language at Section 28.5 regarding exclusivity of the TBOD provisions. However, the Planning Board does recommend that all fences exceeding 3' in height as well as all segments of retaining walls that exceed 6' in height be identified on the Plan(s) of Record for future reference by Inspectional Services staff. **We agree but note that the request is part of the overall Special Permit Application request.**

With respect to reducing the minimum roadway pavement width from 24' to 20', the Planning Board does not recommend this Special Permit request be granted. The request appears to be the result of a desire to maximize the per-acre density of the site rather than a reality dictated by physical site constraints. The access roads are intended to support two-way traffic, and the applicant intends to allow parking on the street. The combination of narrower pavement width, on-street parking and seasonal snow banks could create inconvenient situations at best and unsafe conditions at worst.

This request applies only to the townhome area of the project, for which the proponent is proposing 20' wide common driveways edged with "Cape Cod berm". Having built many similar townhome projects throughout eastern Massachusetts with great success, the proponent's experience with this design element suggests that 24' is not required for these common driveways. The smaller neighborhood scale associated with the proposed 20' wide driveways is aesthetically fitting in this application and is also in keeping with environmentally responsible Low-Impact Design (LID) practices having less impervious area than would be associated 24' wide driveways.

The Woburn Fire Department has reviewed the design and has not expressed any concerns to the proponent regarding the width of the common driveways. The low profile of the Cape Cod berm is

easily mountable effectively providing 22' of maneuvering width for emergency vehicles. The condominium rules and regulations document will prohibit overnight parking along the common driveways, and although short-term daytime parking will not be prohibited, it will not be a common occurrence as the townhome portion of the project contains ample off-street parking having twice the number of parking spaces than is required by zoning (2/dwelling required; 4/dwelling provided).

OTHER PARKING- AND STREET-RELATED ISSUES

Sheet 22 of the plan set (entitled Construction Details) contains typical cross sections for parking lots and the main "site drive" that will be constructed by others. The plans provide no cross-section(s) for any of the roadways that will provide access to the townhouse units. A detail for these roadways should be added to the plan set.

The referenced detail on Sheet 22 of the plan set is the typical cross-section for the townhome common driveways. The main site drive that will be utilized to access the development, referred to as the "Ring Road" on the submitted plans, will be designed, permitted, and constructed by others and is shown only for contextual purposes on the submitted plans.

It is not possible to determine the vertical clearance that will be afforded by the street signs being proposed at each access road for the townhouse units ("S" signs). Although no minimum clearance is specified in Section 28 (TBOD), Title 12, Article V, Section 12-31 of the Woburn Municipal Code specifies a minimum clearance of eight (8) feet.

Sheet 23 of the submitted plan set includes a detail for the proposed driveway signs specifying a height of 8' to the top of the sign post. The proponent feels that this is an appropriate height based on the desired character and scale of the neighborhood. Should the City Council feel that a different height would be more appropriate, the detail will be updated accordingly.

Consistent with best practices and past decisions by the City Council, vertical granite curbing should be required throughout the development rather than the monolithic Cape Cod berm which is being proposed.

The proponent proposes to utilize "Cape Cod berm" to edge the low-volume common driveways within the townhome and multi-family areas of *Highland at Vale*. These driveways are proposed to be privately owned and maintained by a homeowner's association in perpetuity and therefore will never need to be maintained by the City of Woburn. Having built many similar projects throughout eastern Massachusetts with great success, the proponent's experience with this design element suggests that Cape Cod berm is the most appropriate edging in this residential application. It visually blends in with the driveway pavement consistent with the look of a residential driveway (which generally has no curbing) helping to bring down the visual scale of the project thereby promoting a better sense of neighborhood. The proponent feels that granite curb, which is typically associated with higher-volume drives and publicly-maintained streets, would be inconsistent with this design objective and would be aesthetically undesirable in this particular application.

Lastly, the streets (ways) in this project must be named after Woburn veterans killed in action, per City ordinance. Names of proposed streets and ways should be submitted for Woburn City Council

review by the Police and Fire Departments as well as the Veterans Agent, for eventual approval by City Council.

PEDESTRIAN AND BICYCLE ACCOMMODATIONS

The overall master development plan for the TBOD District includes a number of elements to accommodate bicyclists and pedestrians, including sidewalks on Hill Street and the main interior access road, and an extension of the Tri-Community Bikeway into the site. The proposed site plan for Highland at The Vale does not include any sidewalks on any of the roads providing access to the townhouse units. The driveways around the multi-family buildings also lack sidewalks. There are walkways connecting various parking areas to entrances in the multi-family buildings, but these walkways do not connect to each other. Only one walkway, adjacent to multi-family Building #1, provides a connection to the sidewalk that will be installed on the main roadway servicing this development and LCS's. The Petitioner does plan to paint crosswalks where the townhouses' access roads intersect with the main roadway.

There are no bicycle accommodations included in the project. The Petitioner did indicate that the townhouses would have sufficient space in the individual units' garages for the storage of bicycles, but there is no exterior bicycle storage proposed and none of the garages servicing the multi-family buildings appear to have bike storage areas included in their design.

It is the opinion of the Planning Board that the envisioned development overall, and the individual development plans of both Pulte and LCS, fall short of their potential with respect to pedestrian and bicycle accommodations. One, the design of the district generally could be improved to better capitalize on the property's proximity to the Tri-Community Bikeway, which crosses Hill Street at the entrance to the site. The site development master plan includes a pathway through a portion of the property that will be wide enough to accommodate both bicycle and pedestrian traffic, but it is wide enough to accommodate both only to a point. The shared pathway narrows to a standard sidewalk width at a location well short of the LCS project, and in fact before reaching the Pulte site. The residential portion of the TBOD development should be provided with more robust alternative transportation accommodations, to ensure the residents, employees and visitors of/to the Pulte and LCS projects have adequate and safe paths of travel to other parts of the district and off-site destinations.

Two, the designs of specific development parcels should incorporate site elements that will not only accommodate but also encourage the use of forms of transportation other than a car. Three, the designs of all projects and of the overall site should cohesively work together to ensure the adequate and safe passage of pedestrians and bicyclists throughout the development, and to and from each project.

The Planning Board strongly encourages the Council, the Petitioner and Leggat McCall to work together to incorporate into the various project designs additional site features and construction standards that encourage the safe use of alternative transportation methods. Examples include coordinated wayfinding signage throughout the district, pathways that provide complete (not partial) access for multiple users simultaneously, and separation/demarcation of bicycle lanes to maximize safety against vehicular traffic.

With respect to this Special Permit plan specifically, the Board recommends, at a minimum, the following:

- Installation of one or two outdoor bike racks in both the townhouse and multi-unit portions of the project; and
- Provisions/equipment for bicycle storage in each townhouse garage and in the multi-family building garages, for use by owners/tenants, employees, and visitors.

For the Multi-family area, the proposal includes bicycle racks within the basement parking garage of each low-rise building for use by the unit owners. Outdoor bike storage could also be accommodated in the design should the City Council feel it would be appropriate.

Within the townhome area, homeowners will have sufficient space within their garage/unit to store bicycles. Outdoor bike racks are not necessary and would not be appropriate within the townhome area.

TRASH AND RECYCLING FACILITIES

A recycling area is proposed to be located adjacent to one of the multi-unit buildings (Building #3). Is that area intended to service both the multi-family and townhouse units? Does the recycling area also include trash receptacles? How will refuse be collected from both types of units? Will residents be responsible for placing their trash in the recycling area themselves, or is a coordinated collection of trash envisioned?

With respect to the townhouse units, it appears each unit will have its own trash and recycling containers. The Petitioner indicates it intends to include a clause in the condominium documents that requires unit owners to store their trash and recycling containers in the garages rather than outside in back or side yards. The Planning Board recommends the Council consider imposing a formal requirement mandating these receptacles be kept inside the units' garages.

Trash generated within the multi-family buildings will be handled internal to each building. Every floor of each building has a trash room with a chute that feeds a large compactor located within a trash room in the basement/garage level of the building. The trash is compacted and stored in wheeled containers that are kept in the trash room. These containers are rolled outside and placed onto a designated concrete pad located immediately outside the garage door for pickup by the trash hauler. Once emptied, the trash containers are rolled back into the trash room and the process repeats.

Recycling generated within the multi-family buildings will be managed in the enclosed recycling area next to Building 3. This area is only for recycling (not trash) and is only for use by the residents of the multi-family buildings (not the townhomes).

Trash and recycling generated by the townhome residents will be managed at each individual home. Each unit will have their own trash and recycling totes which are stored in their garage and rolled out to the end of their driveway for pickup.

SNOW STORAGE

No areas have been included on the plans for the storage of snow during Winter months. The plans should be revised to show areas where such storage will occur, and the Engineering Department should be asked to verify the adequacy of those areas in terms of their capacity.

Woburn City Council
June 26, 2020

Based on extensive operational experience with similar projects in the region, the proponent is confident that there will be ample space in this community to accommodate snow storage. In the unlikely event that the on-site snow storage areas reach their capacity, the homeowner's association would be responsible for contracting with a snow management company to remove the snow from the site.

If you have any questions relative to the Planning Board's recommendation, please do not hesitate to contact me.

Respectfully,

Tina P. Cassidy
Planning Board Director

TPC/tc

cc: Attorney Joseph Tarby
Mark Mastroianni, Pulte Group
Chad Reynolds, Leggat McCall Properties
file